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In re Application of:

BARBERA MORALES, Ramon, Faustino, et al. : DECISION
U.S. Application No.: 10/529,064 :
PCT No.: PCT/EP03/06094 :
International Filing Date: 10 June 2003 :
Priority Date: 13 June 2002 :
Attorney's Docket No.: B45308 :
For: VACCINE COMPOSITION :

This decision is issued in response to applicants' "Status Inquiry" filed 15 March 2005, treated herein as a petition under 37 CFR 1.181 to confirm the 13 December 2004 filing of the attached national stage materials. No petition fee is required.

BACKGROUND

On 10 June 2003, applicant filed international application PCT/EP03/06094 which claimed a priority date of 13 June 2002 and which designated the United States. On 24 December 2003, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 13 December August 2004.

On 15 March 2005, applicants filed the "Status Inquiry" considered herein. This submission was accompanied by, among other materials, copies of the materials purportedly filed on 13 December 2004 to initiate this national stage application and a return postcard that itemizes the earlier submission and bears a USPTO receipt stamp dated 13 December 2004. The petition seeks confirmation of the 13 December 2004 filing.

DISCUSSION

Based on applicant's statements in the present petition and the attached return postcard, it is concluded that the materials itemized on the return postcard and attached to the present petition (i.e, the transmittal letter, abstract, preliminary amendment, and information disclosure statement) were originally filed in the USPTO on 13 December 2004. The transmittal letter included the authorization to charge Deposit Account 19-2570 for the basic national fee required to avoid abandonment.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**. The materials attached to the present petition, including the authorization to charge Deposit Account 19-2570 for the basic national fee, are considered to have been filed on 13 December 2004, prior to the expiration of thirty months from the priority date.

Deposit Account No. 19-2570 will be charged the \$300 basic national fee applicable on 13 December 2004.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the \$130 surcharge for filing the oath or declaration later than thirty months after the priority date, and the applicable national stage examination and search fees.



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